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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE BOARD OF DENTISTRY  
AGENCY DOCKET NO. D-01-90

IN THE MATTER OF THE SUSPENSION :  
or REVOCATION OF THE LICENSE OF :

RENEE EMERICH, D.M.D. :  
License No. 13464 :

TO PRACTICE DENTISTRY IN THE :  
STATE OF NEW JERSEY :

**Administrative Action**

**DECISION AND ORDER**

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "Board") on January 29, 1990 by a Notice of Hearing and Verified Complaint which alleged that respondent failed to provide patient records pursuant to N.J.A.C. 13:30-8.7(c) and N.J.S.A. 45:1-21(h); rendered dental services while not licensed and registered pursuant to N.J.S.A. 45:6-13; prescribed Controlled Dangerous Substances while failing to maintain current DEA and CDS registrations pursuant to N.J.S.A. 45:1-21(h); failed to prepare and maintain patient records pursuant to N.J.A.C. 13:30-8.8 and N.J.S.A. 45:1-21(h); provided inconsistent and untruthful explanations to the Board and its agents pursuant to N.J.S.A. 45:1-21(e).

A hearing was held on July 11, 1990. Deputy Attorney General Kathy Rohr appeared on behalf of the complainant. Respondent failed to appear. The Board received into evidence (S-3) an Affidavit of Service of a letter of formal hearing served on Dr. Emerich advising her of the

July 11, 1990 hearing date. The Board further took note of a telephone message from Dr. Emerich received at 9:30 a.m. on July 11, 1990 advising that she had car trouble and would be delayed. Dr. Emerich failed to appear and failed to further contact the Board. The hearing was convened at 12:15 p.m. The Board received the following exhibits into evidence:

S-1, Affidavit of Service of Complaint and Notice of Hearing on Renee Emerich;

S-2, letter from Renee Emerich, D.D.S. to Deputy Attorney General Kathy Rohr dated February 21, 1990 advising that Edward Broderick, Jr. is her counsel;

S-3, Affidavit of Service of notice of letter of formal hearing on administrative complaint on Dr. Emerich;

S-4, letter from Edward Broderick, Jr. to Dr. Emerich dated May 15, 1990 advising that he did not represent her in this matter;

S-5, letter from Timothy Barnes, Esq. to Renee Emerich, dated January 16, 1989 requesting records of patient Veronica Georgiadis;

S-6, letter from William Gutman, Executive Director, Board of Dentistry to Renee Emerich, D.D.S. dated May 17, 1989 advising that patient record of Veronica Georgiadis should be forwarded immediately;

S-7, letter from Jefferson T. Barnes, Esq. to William Gutman, Executive Director dated June 14, 1989 advising that he has not received any records from Dr. Emerich;

S-8, letter from Jefferson T. Barnes to Deputy Attorney General Kathy Rohr dated August 18, 1989 advising of Dr. Emerich's failure to provide patient records;

S-9, report of investigation dated August 18, 1989. Deputy Attorney General Kathy Rohr directed the Board's attention to the following:

Page 2 which states that respondent produced the following expired licenses;

Board of Dentistry License #13464 Exp. 10/31/87

CDS License #D33674 Exp. 12/31/87

DEA License #AE2055273 Exp. 8/31/86

Page 3 which states that respondent had mailed the original of the patient's chart to Frederick Barnes, Esq.

S-10, Certification of Lucas Bowser, Chief, Office of Drug Control, Division of Alcoholism and Drug Abuse, New Jersey State Department of Health certifying that no registration was issued to Renee Emerich, D.M.D. to prescribe CDS for the year January 1, 1988 through December 31, 1988 and the year January 1, 1988 through December 31, 1989;

S-11, Listing of treatment rendered to Veronica Georgiadis;

S-12, Transcript of investigative hearing of Dr. Renee Emerich on November 15, 1989. Deputy Attorney General Kathy Rohr directed the Board's attention to the following:

Page 4 which states that Dr. Emerich advised the Board

that since her counsel Martin Neumark was not present, she would proceed without him.

Pages 9 to 10 which states that Dr. Emerich admitted to prescribing CDS after her license expired.

Pages 11 and 12 which states that Dr. Emerich testified she had sent the original of the x-rays and records to Mr. Gutman and copies to Mr. Barnes.

S-13 Certification by Martin Neumark, Esq. dated June 14, 1990 certifying that he was not retained by respondent to appear as her counsel at the Board's investigative hearing on November 15, 1989.

The Board conducted its deliberations in executive session. In consideration of the record herein, the Board makes the following findings of fact and conclusions of law.

#### FINDINGS OF FACT

1. Respondent failed to renew her current certificate of registration to practice dentistry for the period 1987 to 1989. Respondent also permitted her D.E.A. and CDS registrations to expire in 1986 and 1987 respectively. While not licensed and registered to do so, respondent then rendered dental services on July 26, 1988 and September 12, 1988 to patient Veronica Georgiadis and other unnamed patients. While not licensed to so respondent prescribed CDS to unnamed patients.

2. Respondent has failed to provide records of patient Veronica Georgiadis despite requests made to her by Jefferson Barnes, Esq. and William Gutman, Executive Director of the Board.

3. On one occasion, respondent stated that she had sent the original of the patient records to Jefferson T. Barnes, Esq. and on other occasion stated that she had sent the original records to William Gutman, Executive Director of the Board and a copy of the records to Jefferson Barnes, Esq. Since neither William Gutman nor Jefferson Barnes ever received these records, the Board finds that respondent in fact did not send the patient records and that her statements representing that she did were false.

4. Respondent falsely advised the Board that she had retained Martin Neumark as her attorney at the investigative hearing before the Board on November 15, 1989 when in fact Martin Neumark was retained by respondent as counsel on her behalf.

5. Respondent advised the Deputy Attorney General that her attorney representing her at the hearing on the complaint on July 11, 1989 was Edward Broderick, Jr. when in fact Mr. Broderick had not been retained to represent respondent at the hearing.

6. The patient record of Veronica Georgiadis which consists of the listing of treatment (S-11) is inadequate in that it is a treatment plan, lacks a diagnostic plan and lacks a dental history.

#### CONCLUSIONS OF LAW

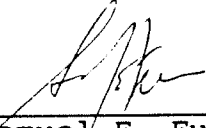
Respondent's failure to respond to requests for dental records is in violation of N.J.A.C. 13:30-8.7(c) and N.J.S.A. 45:1-21(h). Respondent's rendering dental services while not licensed and unlicensed to do so is in violation of N.J.S.A. 45:6-13. Respondent's possession of Controlled Dangerous Substances while failing to

maintain current DEA and CDS registrations is in violation of N.J.S.A. 45:1-21(h). Respondent's failure to prepare and maintain a patient record in accordance with the minimum standards of the Board's regulations constitutes a violation of N.J.A.C. 13:30-8.8 and N.J.S.A. 45:1-21(h). Respondent's conduct in providing inconsistent and untruthful explanations to the Board and its agents in regard to the aforesaid patient records constitutes the employment of dishonesty, deception and misrepresentation within the meaning of N.J.S.A. 45:1-21(b) and professional misconduct within the meaning of N.J.S.A. 45:1-21(e).

IT IS THEREFORE on this 25<sup>th</sup> day of July, 1990,

ORDERED that effective upon service of this Order, respondent's license to practice to practice dentistry shall be revoked.

NEW JERSEY STATE BOARD OF DENTISTRY

By   
Samuel E. Furman, President